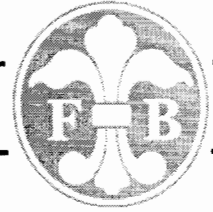


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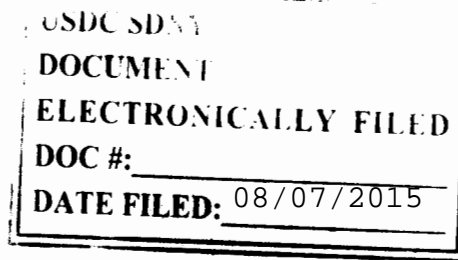


August 6, 2015

FISHER & BYRIALSEN P.L.L.C.

By ECF and Fax

Honorable Naomi R. Buckwald
 United States District Judge
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007



99 Park Avenue, PH Floor
 New York, New York 10016

Tel. (212) 962-0848
 Fax (212) 577-1178

David N. Fisher ◊
 Jane H. Fisher-Byrialsen Δ
 Kaitlin F. Nares ◊

Admitted in NY, CO & NJ ◊
 Admitted in NY, MD & DC Δ

Re: Tommy Simmon v. City of New York et al., 15CV3489(NRM)

Your Honor:

I am counsel for Plaintiff Tommy Simmon. On June 4, 2015, the Parties submitted a joint request to stay this matter pending the open investigations conducted by the Bronx District Attorney's Office and the Inspector General's Office regarding the incident underlying the Complaint. On June 8, 2015, the Court endorsed this request and the case has since been stayed.

The Parties now seek to update the Court within the first 60 days of the stay regarding the status of the joint investigation conducted by the Bronx District Attorney's Office and the Inspector General's Office. The investigations are being coordinated by Assistant District Attorney David Baumwoll of the Investigations Division and Rackets Bureau. He has indicated to Plaintiff's counsel that the investigation is still ongoing as the Bronx District Attorney's Office and the Inspector General's Office is continuing to interview witnesses and review discovery from New York City Department of Corrections. ADA Baumwoll estimates that the joint investigation will conclude within two months.

It is therefore, respectfully requested that the case continued to be stayed pending the above mentioned investigations. The Parties will further update the Court regarding the status of the pending investigations within 60 days of this date.

So Ordered:
Naomi R. Buckwald
 8/6/15
 USDC

MEMO ENDORSED

Thank you for your consideration in this regard.

Respectfully submitted,

/s/

Kaitlin F. Nares Esq.
Fisher & Byrialsen PLLC
99 Park Avenue 26th Floor
New York, New York 10016
(212)962-0848 Ext 6

Cc: Jenny Weng
Senior Counsel
Special Federal Litigation Division
(by ECF)